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Application Number	09/731,317	
	Filing Date	December 6, 2000
	First Named Inventor	Normand Nantel
	Art Unit	2886
	Examiner Name	Pham, Hoa Q
Attorney Docket Number	0053.00	
Total Number of Pages in This Submission	13	

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Nektar Therapeutics		
Signature			
Printed name	Naishadh Desai		
Date	October 23, 2007	Reg. No.	50,630

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name	NAISHADH DESAI	Date	23 OCT 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nantel et al.	Group Art Unit: 2886
Application No: 09/731,317	Examiner: Pham, Hoa Q
Confirmation No: 1032	Attorney Docket No: 0053.00
Filed: December 6, 2000	
Title: SYSTEMS AND METHODS FOR NON-DESTRUCTIVE MASS SENSING	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Box Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

This Comments on Statement of Reasons for Allowance is responsive to the "Reasons for Allowance" provided by the Examiner in the Notice of Allowability attached to the Notice of Allowance and Fees Due statement mailed on July 24, 2007.

REMARKS

Applicant notes with appreciation the indication of allowance of all of the pending claims. The following comments are being provided to clarify the Statement of Reasons for Allowance.

In the Reasons for Allowance, the Examiner stated:

After a further reviewing the arguments of the Appeal Brief filed on 6/8/06, it is agreed that there was no motivation to combine reference Richardson et al (4,147,618) with the cited art so as to satisfy the combination of all the limitations in claims 1, 14, 17, 21, 30, and 39 (see pages 4-7 of the Appeal Brief).

Applicant agrees with the Examiner's conclusion that independent claim 1, for example, is not rendered unpatentable under 35 U.S.C. §103(a) by U.S. Patent 4,417,618 to Richardson et al (hereinafter Richardson et al). Applicant also agrees that there is no motivation to modify Richardson et al in a manner that would arrive at the invention of claim 1. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to do so. In addition, as pointed out in the Appeal Brief, Richardson et al is non-analogous art. For at least these reasons, claim 1 is not properly rejectable under 35 U.S.C. §103(a) as being unpatentable over Richardson et al.

Furthermore, it would not have been well within the grasp of one of ordinary skill in the art at the time the invention was made to modify Richardson et al in a manner that would result in the invention of claim 1. Also, there is no indication that the disclosure of Richardson et al could be modified with a reasonable likelihood of arriving at the invention of claim 1 or with a reasonable likelihood of success. Since Richardson et al fails to teach all features of claim 1 and since the invention achieves unexpected results (as discussed throughout the specification), claim 1 is allowable over the reference.

In addition, the other independent claims, which are each self-standing, are allowable because the language recited in each of the claims themselves is allowable over the prior art.

The Examiner is respectfully requested to consider Applicant's Comments on Examiner's Reasons for Allowance and is requested to respond to these comments if there is disagreement or additional clarification needed. In particular, Applicant wants to make clear that the claims are allowed because of a lack of motivation and because they are not properly rejectable under the analysis set forth in Graham v. John Deere Co., 383 U.S. 1 (1966), as explained in KSR International Co. v. Teleflex Inc., 550 U.S. ___, 127 S. Ct. 1727 (2007).

Conclusion

Should the Examiner have any questions, the Examiner is requested to call the undersigned at the number given below.

Respectfully submitted,

Date: 23 OCTOBER 2007

By:



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